

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

EARNEST D. BATTLE

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CR.NO. 2:07CR307-MEF

ORDER

The defendant by consent has appeared before a United States Magistrate Judge and has entered a plea of guilty. The Magistrate Judge accepted the plea of guilty and has adjudicated the defendant guilty. Accordingly, it is ORDERED as follows:

1. Sentencing of the defendant is hereby set on **June 12, 2008**, at **9:00 a.m.**, Courtroom 2-A, the Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

2. In accordance with Rule 32(f)(1), *Federal Rules of Criminal Procedure*, counsel for the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. The probation officer will notify parties of the objection deadline and will schedule a conference to discuss and resolve, if possible, any factual and legal issues contained in the presentence report.

3. Any motion for downward departure shall be filed on or before the conference date with the probation officer, unless based on unknown and unforeseen circumstances arising after that date, in which case the motion must be filed promptly upon discovery of such circumstances.

Nothing contained in this Order shall be construed as impairing the rights of any party as established in the Constitution or laws of the United States.

DONE this the 25th day of March, 2008.

/s/ Mark E. Fuller

CHIEF UNITED STATES DISTRICT JUDGE